

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

JOSEPH MOORHEAD, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

HKA ENTERPRISES, LLC,

Defendant,

Case No. 7:19-cv-00265

**CLASS ACTION**

**ORDER ON ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARDS**

The Court having held a Hearing on Plaintiff's Motion on Attorneys' Fees, Costs, and Incentive Awards on December 3, 2019, notice of this Hearing having been duly given in accordance with this Court's Preliminary Approval Order, and having considered all matters submitted to it at this Hearing and otherwise, and good cause appearing therefore,

It is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court, consistent with the guidance provided by the Fourth Circuit and this District, as well as "[t]he trend among most courts," finds that attorneys' fees in this common-fund class action settlement shall utilize the "percentage of the fund method. . . ." *Kirven v. Cent. States Health & Life Co.*, Case No. 3:11-cv-2149, 2015 U.S. Dist. LEXIS 36393, at \* 29 (D.S.C. Mar. 23, 2015).

2. Plaintiff requests an award of attorneys' fees, in the amount of one-third of the total amount of the settlement, or \$150,000.

3. The Court evaluates this request in light of seven factors :“(1) the results obtained for the class; (2) the quality, skill, and efficiency of the attorneys involved; (3) the risk of

nonpayment; (4) objections by members of the class to the settlement terms and/or fees requested by counsel; (5) awards in similar cases; (6) the complexity and duration of the case; and (7) public policy.” *Kirven*. at \* 30 (citing *Kay Co. v. Equitable Production Co.*, 749 F. Supp. 2d 455, 462 (S.D. W. Va. 2010)).

4. In considering these factors, this Court hereby finds that Plaintiff’s requested award of one-third of the total settlement amount is a “reasonable percentage of the fund established for the benefit of the class,” and grants Plaintiff’s Motion for Attorneys’ Fees.

5. Plaintiff further moves for reimbursement of Costs expended in the case, in the amount of \$14,699. *See Savani v. URS Prof’l Solutions, LLC*, 121 F. Supp.3d 564, 576 (D.S.C. 2015) (“Reimbursement of reasonable costs and expenses to counsel who create a common fund is both necessary and routine.”)

6. The Court finds the request for Costs and the amount of such costs reasonable under the circumstances, and grants Plaintiff’s Motion for Costs.

7. Plaintiff’s further move for an incentive award to Plaintiff Joseph Moorhead in the amount of \$5,000.

8. This Court hereby finds that an incentive award to Plaintiff Joseph Moorhead in the amount of \$5,000 is appropriate in light of their efforts on behalf of the class, and grants Plaintiffs’ Motion for an Incentive Award.

IT IS SO ORDERED

December 3, 2019

s/Donald C. Coggins, Jr.  
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Hon. Donald C Coggins, Jr.  
United States District Court Judge